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SB-582 Electrified fences. (2015-2016)

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Senate Bill No. 582

CHAPTER 273

An act to add Section 835 to the Civil Code, and to amend Sections 17151 and 17152 of the Food and Agricultural Code, relating to electrified fences.

[Approved by Governor September 04, 2015. Filed with Secretary of State September 04, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

SB 582, Hall. Electrified fences.

Existing law prohibits an electrified fence to be offered for sale, sold, installed, or used in the state, or otherwise connected to a source of electrical current, unless the electrical current is limited and regulated by an electrical controller that meets or exceeds specified standards or specifications. Existing law also provides that the owner of land in fee has the right to the surface and to everything permanently situated beneath or above it.

This bill would amend the list of institutes and associations that may set the standards according to which the lawfulness of an electrified fence is measured and exclude from the definition of electrified fence used in that provision an electrified security fence, as defined. The bill would authorize an owner of real property to install and operate an electrified security fence on his or her property if the property is not in a residential zone, the fence is identified by prominently placed warning signs, the height of the fence does not exceed 10 feet, the fence is located behind a perimeter fence that is not less than 6 feet in height, and the fence meets specified electrotechnical and local requirements.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 835 is added to the Civil Code, to read:

835. (a) As used in this chapter, "electrified security fence" means any fence, other than an electrified fence described in Section 17151 of the Food and Agricultural Code, that meets the following requirements:

(1) The fence is powered by an electrical energizer with both of the following output characteristics:

(A) The impulse repetition rate does not exceed 1 hertz (hz).

(B) The impulse duration does not exceed 10 milliseconds, or $10/10000$ of a second.

(2) The fence is used to protect and secure commercial or industrial property.

(b) An owner of real property may install and operate an electrified security fence on his or her property subject to all of the following:

(1) The property is not located in a residential zone.

(2) The fence meets the 2006 international standards and specifications of the International Electrotechnical Commission for electric fence energizers in "International Standard IEC 60335, Part 2-76."

(3) The fence is identified by prominently placed warning signs that are legible from both sides of the fence. At a minimum, the warning signs shall meet all of the following criteria:

(A) The warning signs are placed at each gate and access point, and at intervals along the fence not exceeding 30 feet.

(B) The warning signs are adjacent to any other signs relating to chemical, radiological, or biological hazards.

(C) The warning signs are marked with a written warning or a commonly recognized symbol for shock, a written warning or a commonly recognized symbol to warn people with pacemakers, and a written warning or commonly recognized symbol about the danger of touching the fence in wet conditions.

(4) The height of the fence does not exceed 10 feet and is located behind a perimeter fence that is not less than 6 feet in height.

(c) An owner of real property shall not install and operate an electrified security fence where a local ordinance prohibits that installation and operation. If a local ordinance allows the installation and operation of an electrified security fence, the installation and operation of the fence shall meet the requirements of that ordinance and the requirements of subdivision (b).

SEC. 2. Section 17151 of the Food and Agricultural Code is amended to read:

17151. (a) As used in this chapter, "electrified fence" means any fence and appurtenant devices, including, but not limited to, fences and devices used in animal control, and including, but not limited to, a fence consisting of a single strand of wire supported by posts or other fixtures, which has an electrical charge or is connected to a source of electrical current and which is so designed or placed that a person or animal coming into contact with the conductive element of the fence receives an electrical shock.

(b) For purposes of this chapter, "electrified fence" does not include an electrified security fence as described in Section 835 of the Civil Code.

SEC. 3. Section 17152 of the Food and Agricultural Code is amended to read:

17152. No electrified fences shall be offered for sale, sold, installed, or used in this state, or otherwise connected to a source of electrical current, unless the electrical current is limited and regulated by an electrical controller which meets or exceeds the standards or specifications of the National Electrical Code of the National Fire Protection Association, international standards of the International Electrotechnical Commission, or the Underwriters Laboratories for intermittent type electric fence or electrified fence controllers.